



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on General Law – February 24, 2009

In support of:

- **S.B. No. 838 An Act Concerning Consumer Privacy and Identity Theft**

The Division of Criminal Justice supports this bill, which would correct a shortcoming in our existing identity theft statute and make additional changes to strengthen the law with regard to this crime.

Specifically, the Division introduced language in last year's session similar to that found in Section 1 of the bill to deal with the problem that exists in enforcing the present law. Currently, section 53a-129a of the general statutes requires that a person unlawfully obtain and use personal identifying information of another in order to commit the crime of identity theft. Unfortunately, the current definition does not cover situations where the perpetrator comes into possession of the personal information in a lawful manner but subsequently uses such information without the victim's authorization. It is the unauthorized **use** of personal information and not how such information is initially obtained that should be the target of our statute. After all, modern life requires us all to provide personal identifying information to others on a regular basis.

This shortcoming was brought to light by a criminal case where the defendant obtained the victim's personal information in the ordinary course of business as an in-home caretaker and subsequently used that information without the victim's authorization. The defendant created credit card accounts in the victim's name and incurred substantial debt on those accounts without the victim's knowledge. The authorities were not able to charge identity theft because the information was not **obtained** without the victim's authorization.

The Division of Criminal Justice would respectfully recommend the Committee's Joint Favorable Report for S.B. No. 838, An Act Concerning Consumer Privacy and Identity Theft. We would be happy to provide any additional information or to answer any questions the Committee might have.